

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BARRY HARRIS,

Plaintiff,

v.

WILLIAM GITTERE, et al.,

Defendants.

Case No. 3:22-cv-00042-ART-CSD

ORDER APPOINTING COUNSEL

Pro se Plaintiff Barry Harris brings this action under 42 U.S.C. § 1983. The Court screened Plaintiff's second amended complaint (ECF No. 8) and allowed him to proceed with his Eighth Amendment, Fourteenth Amendment, and retaliation claims against Defendants Gittere, Reubart, and Bodenheimer. (ECF No. 10.) Mr. Harris filed a motion for appointment of counsel, which the Court granted, finding exceptional circumstances. (ECF Nos. 43; 44.) Mr. Harris's case was referred to the Court's Pro Bono Program. However, the Pro Bono program was unable to find counsel for Mr. Harris. (ECF No. 70.)

Plaintiff is currently represented by the Federal Public Defender's Office ("FPD") in a separate suit for habeas corpus relief, Case No. 3:20-cv-00695-MMD-WGC. On February 4, 2025, the Court ordered Federal Public Defender ("FPD") to confirm with the Court, within 30 days of this order, (1) whether Mr. Harris's case is ancillary, and (2) whether the FPD is willing to be appointed as counsel in this matter. (ECF No. 79.)

The FPD filed two notices of acceptance of appointment (ECF Nos. 83; 84.) In each notice, the FPD accepts appointment and states that "representation is appropriate because it is reasonably necessary to protect a constitutional right, will contribute to the litigation of the habeas case, and will aid counsel in the

1 preparation of that case.” (*Id.*) (citing 18 U.S.C. § 3006A(c) and Guide to Judiciary
2 Policy, Vol. 7A § 210.20.30(c)(1)-(3)). Upon evaluation of the circumstances of this
3 case, the Court finds that it is an ancillary matter sufficiently related to Plaintiff’s
4 habeas case, and it is appropriate to appoint the FPD to represent Plaintiff in this
5 matter.

6 For these reasons, the Court APPOINTS the Federal Public Defender to
7 represent Plaintiff in this matter. The Court INSTRUCTS the Clerk’s Office to add
8 the Federal Public Defender’s Office to the service list in this matter, and further,
9 to separately serve this order on the Federal Public Defender’s Office so
10 representation may begin immediately.

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12 Dated this 14th day of March 2025.

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15 ANNE R. TRAUM
16 UNITED STATES DISTRICT JUDGE
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